

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.464 of 2006

Shri. Hemant Sharad Tarkar & Anr. ...Petitioners.

V/s.

Shri.Uday Ashok Dahanukar & Ors. ...Respondents.

Shri.Sachin U. Dhakephalkar for the petitioners.

Shri.Girish S. Godbole Adv. for respondents.

Mr.U.V. Nikam APP for the State.

CORAM : V.M. KANADE, J

DATED : 03/08/2006

P.C.:-

1. Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the respondents.

2. Petitioners are challenging the order of issuance of process passed by Judicial Magistrate on complaint filed by the respondent No.1 for the offence punishable U/s.409 r/w 120(B) r/w Sec.34 of IPC.

3. It is submitted that the transaction is essentially a civil transaction and therefore the present criminal complaint is not maintainable against

the petitioners. Learned counsel for the petitioners invited my attention to the order which is passed by the Sessions Court in revision application. I have perused the said order. There is no illegality or jurisdictional error committed by the Sessions Court. Submission of the learned counsel for the petitioners can not be accepted.

4. The petition, is accordingly dismissed.

5. It is further clarified that the petitioners would be at liberty to apply for discharge under appropriate provisions at the appropriate stage in the trial court and all these questions be agitated in the discharge application.

V.M. KANADE, J.